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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,319	06/26/2006	Yoshikazu Yoshida	292875US2PCT	1968
22850	7590	05/15/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER NGUYEN, SIMON	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 05/15/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/584,319	<b>Applicant(s)</b> YOSHIDA, YOSHIKAZU	
	<b>Examiner</b> SIMON D. NGUYEN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 6/26/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Hughes (US 6,668,164 B2).

Regarding claim 1, Hughes discloses method and apparatus for controlling gain in a receiver (title, abstract, figs.1, 11, 16-17), comprising: a receiving unit (100) containing VGA (116) capable of amplifying a receiving signal (wave) with variable gain values without degrading NF and distortion performances under a certain supplied power; a gain control signal generating unit (170, 177) for generating a gain control signal (195) according to a received power of the receiving signal (RSSI); a control unit (1105 of fig.11); and a memory (180), wherein the memory for storing supplied power values to the receiving unit that are associated with the gain values (fig.3), and wherein the control unit controls a power to be supplied to the receiving unit by referencing the supplied power values stored in the memory based on the gain values designated by the gain control signal (column 3 line 43 to column 6 line 39, column 9 line 19 to column 10 line 17, column 11 line 62 to column 12 line 14).

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Regarding claims 2, 5, Hughes further discloses a processing unit (1105), and wherein the receiving unit is capable of discontinuous reception of the receiving signal (in a calibrate mode, the receiving unit stops receiving RF signals from an antenna) (column 9 lines 30-36); wherein the gain values designated by the gain control signal are written into the memory each time the discontinuous reception takes place; wherein the processing unit calculating an average value of the gain values using the gain values written into the memory during the discontinuous reception; and wherein the control unit controls the power to be supplied to the receiving unit by referencing the supplied power values stored in the memory based on the average value of the gain values calculated by the processing unit (column 6 line 48, column 13 lines 2-29, column 9 line 19 to column 10 line 17, column 15 lines 32-53, column 20 line 58, column 25 lines 39-56).

Regarding claim 3, Hughes further discloses performing weighting to calculate the average value among a plurality of the gain values (column 12 line 15 to column 13 line 44).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,668,164 B2).

Regarding claim 6, this claim is rejected for the same reason as set forth in claim 1, wherein Hughes discloses the AGC system in a radio unit (fig.11) comprising a transmitter (column 15 lines 1-19). However, Hughes does not specifically disclose a transmission power detecting unit.

It should be noted that in Hughes, the radio unit comprises a SPI transmitter 186 (fig.1) for controlling gain in a transmitter as well as to perform such as fixed transmitter power adjustment and fixed transmitter selection and is also used within the AGC radio 1100 (column 4 line 67, col. 5 line 1-2, 55-56, column 6 lines 14, 24, column 14 lines 15-20). From the disclosure, it is obvious that Hughes discloses a transmission power detecting unit. Furthermore, for improving a transmission signal of a transmitter in a radio unit, a transmission power detecting unit is used to controlling power in the transmission signal which is known to those skilled in the art in order to reduce noise as well to optimize the transmission signal.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes in view of Fujishima et al. (US 7,187,733 B2).

Regarding claim 4, Hughes fails to teach detecting a moving speed.

Fujishima discloses an AGC in a receiver (abstract), wherein the receiver comprising an AGC controller for determining a gain during the receiver communication under movement at high speeds which means that the receiver inherently comprises a

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speed detector (column 12 lines 20-27, column 19 lines 14-22). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Hughes, modified by Fujishima in order to optimize the system performance.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaku (6,072,998) discloses an AGC in a receiver, the receiver comprising; VGA 3, 6 for receiving a gain control signal from a gain controller (9) to vary gain based on a receiving signal; a memory (93) for storing power values, wherein the power values are supplied to generate the gain control signal (column 11 line 37-47, 62-67, column 12 lines 1-67).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 12, 2009

/SIMON D NGUYEN/

Primary Examiner, Art Unit 2618